



Proposed Amendments to the Charlottesville Human Rights Ordinance

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Director, Human Rights Commission

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Why are we amending the Human Rights Ordinance?

- To meet the requirements to enter a Fair Housing Assistance Program (FHAP) workshare with the HUD Fair Housing Office
- To make the Human Rights Commission sections more understandable and more straightforward to implement.
- To update key components of the investigation process to reflect what we have learned from experience in the Office of Human Rights.

General document revisions

- Added Table of Contents and page numbers.
- Made general spelling, formatting, citation, and grammatical corrections.
- Revised Secs. 2-437.1-3. so that basic investigation procedures were clear and consistent across all protected activities.
- Added federal fair housing code citations throughout to aid in the review for substantial equivalence by HUD.



Sec 2-433. Role of the Human Rights Commission

- Changes to improve organization and logical flow of document
 - Moved text here from the previous Sec. 2-434 about the Commission's duties and responsibilities related to community engagement.
 - Moved text here from the previous Sec. 2-435.(a),(b), and (c) about the Commission's duties and responsibilities related to systemic issues, as well as made minor edits to avoid repetition in the new text placement.
 - Condensed sections and relocated portions into other sections
 - Removed the requirement from Sec. 2-433 (c)(3) that the Commission will conduct at least one research project or review every two years.



Sec. 2-434. Office of Human Rights

- Separated this section from the "Role" section to mirror Sec. 2-432. for the Commission
- Added clause that the Director may hire additional staff, as approved by the City Manager, to fulfill the duties within the ordinance.

Sec. 2-435. Role of the Office of Human Rights

- Created a "Role" section to mirror the Sec. 2-433. for the Commission.
- Slight revisions to the community outreach roles to mirror other language in the Commission sections defining the scope of issues to include human rights, discrimination, and/or equity.



Sec. 2-437.1. Investigation of individual employment discrimination complaints

(a) Complaints and answers

- Updated the intake and complaint filing process to reflect standard practices and practical application in the Office of Human Rights.
- Added a clause to address situations in which a current or former Commissioner is a party to an inquiry of discrimination.
- Changed the “referral” to a state or federal agency to “informing the individual of the option” to file with a state or federal agency.

(b) Further action

- Added a clause clarifying that it is the aggrieved individual's responsibility to provide current and updated contact information to the Office.
- Consolidated and updated procedures regarding non-responsiveness of complainants and respondents.



Sec. 2-437.1. Investigation of individual employment discrimination complaints

(c) Alternative dispute resolution

- Created this section to consolidate all information related to informal dialogue and mediation.

(d) Investigation

- Added several clauses related to the Director's authority to request subpoenas for both documentary evidence and witness testimony.

(e) Reasonable cause determination and effect

- Created this section to consolidate all information related to the rendering of findings following the completion of investigations.



Sec. 2-437.2. Investigation of individual housing discrimination complaints

- Incorporated the revisions from the other investigation sections including:
 - Updated intake and filing procedures.
 - Expanded subpoena authority.
- Removed the Director's deference to the Deputy City Manager for Racial Equity, Diversity, and Inclusion to allow for a more self-contained process, as recommended by HUD.
- Other minor revisions made, per recommendations by HUD, to achieve substantial equivalence to federal fair housing law, a requirement for entering a Fair Housing Assistance Program (FHAP) work share agreement with the HUD Fair Housing Office.
- As noted previously, federal fair housing code citations were added throughout this section, per HUD's recommendation.



Sec. 2-437.3. Investigation of individual public accommodation, credit, and private education discrimination complaints

- This section mirrors the language in the employment discrimination investigation section (Sec. 2-437.1.)
- All changes made to Sec. 2-437.1. are also replicated here.
- Changed the “referral” to a state or federal agency to “informing the individual of the option” to file with a state or federal agency.



Sec. 2-438. Interference, coercion, intimidation, or retaliation prohibited.

- Added a clause to create a mechanism for filing a retaliation complaint.
- Added a clause to clarify that retaliation complaints will be subject to the process associated with the protected activity identified in the original complaint.



Sec. 2-439.1. Enforcement authority – The role of the Commission regarding individual complaints of discrimination.

Authority	Current Ordinance	Appeal & Record Focused
Appeals: no reasonable cause	Yes	Yes
Appeals: reasonable cause	No	No
Hearings on findings of reasonable cause	Yes	Yes
New evidence and cross examination	Yes	No
Recommendations for further action	Yes	Yes



Sec. 2-439.1. Enforcement authority – The role of the Commission regarding individual complaints of discrimination.

- Removed language entitling parties to introduce new evidence, present oral or written defense, and conduct cross examination during public hearings.
- Added a clause stating that reports, findings, determinations, and evidence presented to the Commission for a public hearing shall be redacted to remove personal identifying information.
- Removed the proposed section giving the respondent the option to appeal findings of reasonable cause.



Next steps:

- Fair Housing Assistance Program (FHAP) workshare timeline:
 - July 15, 2024: City Council first reading
 - August 5, 2024: City Council second reading – potential approval
 - August 15, 2024: HUD submission deadline
 - October 1, 2024: FHAP interim certification decisions

Next Steps:

- Anticipated fair housing complaint caseload:

Year	OHR new cases	HUD/FHAP new cases
2023	4	Data request pending
2022	5	3
2021	5	4
2020	1	3

- OHR capacity building
 - Intake Specialist rehiring process underway – anticipated hire in August 2024
 - Investigator training completed by December 2024
 - Additional training through the National Fair Housing Training Academy (NFHTA)
 - Capacity-building funding from HUD during interim certification

Questions?

